

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 1:CR-01-248
:
V. : (Judge Caldwell)
:
TRAVIS THURSTON PARKER : (Electronically Filed)

GOVERNMENT'S RESPONSE OPPOSING MOTION
FOR RELIEF UNDER 18 U.S.C. § 3582(c)

AND NOW, comes the government through Christy H. Fawcett, Assistant U.S. Attorney, and files the within Response Opposing Motion for Relief Under 18 U.S.C. § 3582(c):

1. On August 22, 2002, following a jury trial, the defendant was convicted of criminal conspiracy to distribute and possess with intent to distribute 50 grams and more of crack cocaine and five kilograms and more of cocaine hydrochloride (Count 1) and distribution and possession with intent to distribute 50 grams and more of crack cocaine and five kilograms and more of cocaine hydrochloride (Count 2).

2. A pre-sentence investigation report determined that the defendant's base offense level was 36, and two points were added for the defendant's leadership role, with a resulting total offense level of 38. With his criminal history category of IV, the defendant's guideline sentencing range was set at 324-405 months.

3. On May 8, 2003, the defendant was sentenced to a term of 324 months' imprisonment on each count, with the sentences to be served concurrently; five years' supervised release; and payment of a \$4,000 fine.

4. On May 24, 2005, pursuant to *United States v. Booker*, 125 S. Ct. 738 (2005), the defendant was re-sentenced to 180 months' imprisonment on each count, with the sentences to be served concurrently.

5. The sentence imposed during the re-sentencing proceeding was 45 per cent below the bottom of the advisory guidelines sentencing range.

6. USSG § 1B1.10 provides that "if the original term of imprisonment constituted a non-guideline sentence determined pursuant to 18 U.S.C. § 3553(a) and *United States v. Booker*, 543 U.S. 220 (2005), a further reduction generally would not be appropriate."

7. Accordingly, the government opposes the defendant's Motion for Relief Under 18 U.S.C. § 3582(c).

WHEREFORE, the government requests the Court to enter an order denying the defendant's Motion for Relief Under 18 U.S.C. § 3582(c).

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 23rd day of June 2008, she served a copy of the attached

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by electronic means to the email address set forth below.

L. Rex Bickley, Esquire

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s/Christina L. Garber
CHRISTINA L. GARBER
Legal Assistant